



REMARKS

Compliance with Drawings

Attached please find corrected drawings deleting “unnecessary writings.” Attached also please find “proposed corrected drawings,” showing two “wing located engines” including tractor style and pusher style. The drawings are all submitted in response to the “Drawings” section of the above referenced Action.

Traversal of Section 112 Rejections:

Re claim 1, line 2, the examiner is directed to page 4, line 29 through page 5, line 3 for a discussion of the meaning of “two and only two horizontal lifting surfaces,” as found in claim 1 line 2. Applicant submits that the claim phrase, thus, is not indefinite for failure to distinctly point out and particularly claim. Also, see Examiner’s Interview Summary, attached.

In general, Applicant submits that alternate, common and/or shortened names for phrases are frequently supplied in parentheses after a phrase. Such grammatical convention was utilized in the claims. Applicant submits that such grammatical convention is commonly understood and is not vague or indefinite. However, to satisfy the Office, Applicant agrees to remove from the claims the references in parens to the common names and place their explanation in a paragraph just before the claims, as discussed in the Examiner Interview and as per the Specification Amendment and Claim Amendment. Thus, in claims 1 and 11, line 3, and claim in 10, line 2, a deletion of a common name in parens has been effected. An amendment to the specification has been added to convey, that the smaller lifting surface is commonly referred to as a “canard surface” and the larger lifting surface as the “wing.” Such use of terminology is supported by the specification.

Re claim 1, last line, applicant submits that “a door-type closure” is clear. However, applicant agrees to remove the hyphen and submits evidence, attached, of the common usage of “x type” in claims. Also, see Examiner’s Interview Summary.

Re claims 1 and 11, line 3, “wing” has been deleted, as discussed above. The paragraph added to the specification clarifies that the larger lifting surface is usually and frequently referred to as a “wing.”

Re claim 8, “two wing located engines” means two engines, each located on a wing.

Rejection Under Section 103

Claims 1-6, and 8-11 are rejected under 103(a) as unpatentable over Sutton in view of Weaver and Rutan ‘800 (at least). Applicant respectively traverses. Sutton teaches a flying wing with no rear door and no canard. Weaver teaches a rear fuselage door, but with a boom supported empennage (as per prior art design) and no canard. Rutan teaches a two surface canard, but with no rear fuselage door. There is no motive or suggestion to modify Rutan so as to incorporate a rear fuselage door of Weaver without Weaver’s boom supported empennage. Such is Applicant’s invention. There is certainly no motive or suggestion to radically modify Sutton such as to essentially destroy Sutton’s “flying wing” design by creating a “two surface” canard

Applicant discloses a two surface canard with a rear fuselage door. The primary reference Sutton does not teach or disclose any of the elements of independent claim 1. Sutton does not teach or disclose “a canard.” Sutton does not teach or disclose “two and only two significant horizontal lifting surfaces.” Sutton does not teach or disclose a “smaller lifting surface in front of a larger lifting surface.” Sutton does not teach or disclose “a large opening at the rear of the fuselage through which objects can be located, the opening having a door type of closure for flight.”

In regard to the other independent claim, claim 11, Sutton teaches only one element of the claim. Sutton does not teach or disclose “a canard having two significant horizontal lifting surfaces with a smaller lifting surface in front of a larger lifting surface.” Sutton does not teach or disclose “a large opening at the rear of the fuselage through which objects can be loaded.” Sutton (flying wing) only teaches an aircraft having no empennage.

Applicant submits that Sutton’s “flying wing” is an improper primary reference. Further, Sutton teaches away from two and only two significant horizontal lifting surfaces. Sutton teaches away from a canard. See 1, lines 29-44 of Sutton where in Sutton teaches one horizontal lifting surface.

Rutan, ‘800 does not combine with Weaver to reach the Examiner’s result. The placement of Rutan’s engine prohibits adding a significant rear fuselage entry. Weaver

illustrates the teachings of the prior art that teaches away from the instant invention. The prior art teaches, when incorporating a rear fuselage door, to utilize a boom supported empennage.

Section 103 Motive for Making the Combination

In regard to any motive for making the proposed combination, the Examiner only asserts that Weaver illustrates that doors at the end of the fuselage are known in the art and Rutan '800 illustrates that canards are known in the art. There is an absence of motivation to make the examiner's specific combination. A boom supported empennage is traditional with a rear fuselage door. Sutton teaches away from a canard. Rutan and Weaver are inherently incompatible in structure in regard to the Examiner's proposed combination.

There is a long felt need for private aircraft that is simply and effectively compatible with bulky cargo which lies within the weight limit of the aircraft. The prior art does not teach or suggest Applicant's invention or solution to the problem.